

REMARKS

Applicant would first like to thank the examiner for the courtesy of an interview extended on March 13, 2009. While no particular language was agreed upon at the interview, following the suggestion of the examiner that limiting advertising material to something more than a simple poster, and in particular to an audiovisual work such as a coming attractions motion picture sequence or a television commercial, was likely to be allowed, the applicant has made such amendment to all of the independent claims.

Even without this amendment, it is respectfully submitted that the claims were and are drawn to patentable subject matter. Limiting the claims in the manner the current amendment positively recites systems which are not remotely suggested by the prior art, which are not concerned with the problems solved by the present invention and thus, without the benefit of hindsight, cannot be changed and combined to approach the invention. Indeed, the long-standing availability of components and technological capabilities is itself an argument in favor of patentability in this particular case.

It is important to keep in mind that this application was filed in 2001. And care must be taken to evaluate patentability as of that date. Of course, and application should not be prejudiced on the issue of obviousness by an early filing date. Viewpoints with respect to obviousness today, in 2009, must be carefully put aside in evaluating an application which was filed in 2001.

More particularly, it is noted that the repeated searches of the subject matter made by the PTO clearly define the patentability of the system invented by the applicant. As was noted in the last office action, no reference anticipates the invention. Thus, the only rejection is based on alleged obviousness.

It is important to recognize that the subject matter of the present invention carries substantial advantages which, if they were obvious, would have been recognized long before the invention was made. For example, the transfer of advertising materials and theatrical content by wire, allows one to easily test advertising material and redirect more effective materials based on box office reports as are reported in the disclosed system.

Despite the fact that many of the needed components and the technology for achieving implementation of other components was available years before the invention, and notwithstanding the advantages to be provided by the system, the art fails to show the same.

As has been noted before, by the early 1990s so-called T3 lines which have very large bandwidth and are thus capable of carrying a great deal of information such as the feature film and the advertising materials were commonplace. High resolution technology was also very well advanced, including pinhead sized black-and-white pictures in the 1960s. However, notwithstanding the availability of high resolution technology and the bandwidth to achieve the results of the present invention, the prior art, as exemplified by the patent to Hunter, merely talks about real-time transmission to screens, conceptually nothing more than a multiple closed circuit television system. The other patents cited by the examiner do not deal with the deficiencies of the Hunter reference.

In accordance with the above amendments, the claims claim various nonobvious aspects of the invention. The claims clearly define over the prior art

by reciting that the advertising materials and multimedia (e.g. feature films) are shown at different times and or places.

This aspect of the claimed invention is clearly not met by the art of record, either alone or in combination. By the present amendments applicant has further limited the invention to particular types of advertising materials. Given this additional limitation, it is believed clear that the claims are now drawn to allowable subject matter.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the present claims, as amended, are clearly drawn to patentable subject matter. If, for any reason, the Examiner believes that there are any remaining issues, he is invited to contact the undersigned at the telephone number below.

Dated: April 3, 2009

Respectfully submitted,

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Application No. 09/840,283
Amendment dated April 3, 2009
Reply to Office Action of December 3, 2008

Docket No.: 075288-00002

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